

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

GREAT LAKES INSURANCE SE, )  
vs. )  
Plaintiff, ) Case No. CIV-22-00702-JD  
vs. ) Judge Jodi W. Dishman  
FREDY VALLE d/b/a VALLE )  
TRUCKING; )  
SILVER STAR CONSTRUCTION )  
COMPANY, INC.; )  
TYLON MACKEY; )  
ISRAEL JUAREZ; )  
ORD TRUCKING, INC. )  
ZURICH AMERICAN INS. CO., )  
Defendants, )  
\_\_\_\_\_  
ZURICH AMERICAN INS. CO., )  
Defendant/Third Party )  
Plaintiff, )  
vs. )  
PROGRESSIVE NORTHERN INS. )  
CO., )  
Third-Party Defendant. )

**PLAINTIFF'S RESPONSE TO PROGRESSIVE NORTHERN INS. CO.'S  
MOTION FOR SUMMARY JUDGMENT**

Plaintiff Great Lakes Insurance SE (“Plaintiff,” or “Great Lakes”), hereby responds to the Motion for Summary Judgment filed by Third-Party Defendant Progressive Northern Ins. Co. (“Defendant” or “Progressive”)(Dkt. 94). Plaintiff does not object to the requested

relief sought in Progressive's Motion and the "Statement of Undisputed Facts." Great Lakes reserves the right to object should Progressive attempt to use the facts and evidentiary materials in the Motion at a later trial on the merits against Great Lakes to the extant applicable under the rule established in *Messler v. Simmons Gun Specialties, Inc.*, 1984 OK 35, 687 P.2d 121, 127-28; *see also Barringer v. Baptist Healthcare of Oklahoma*, 2001 OK 29, ¶ 13, 22 P.3d 695, 699. In filing this Response, Plaintiff therefore reserves the right to dispute the facts asserted in Progressive's Motion at trial, to the extent necessary and applicable to Plaintiff's defense and prosecution of this matter.

Respectfully submitted,

/s/ Emily E. Allan  
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*Attorneys for Plaintiff*

**CERTIFICATE OF FILING**

I hereby certify that on December 12, 2023 I electronically filed the foregoing Response to Motion for Summary Judgment to the Clerk of the U.S. District Court, Western District of Oklahoma, using the electronic case filing system of the Court.

By: /s/ Emily Allan

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